

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JOEL JORDAN,

Plaintiff,

v.

IRONWORKERS LOCAL 263, *et al.*,

Defendants.

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Civil Action No. 4:21-cv-00715-O-BP

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge believes that the Findings and Conclusions of the Magistrate Judge are correct, and they are accepted as the Findings and Conclusions of the Court.

Plaintiff has not produced competent summary judgment evidence creating a triable issue of fact about whether Ironworkers Local 263 was his employer. While Plaintiff has produced some evidence in support of his belief that Ironworkers Local 263 was his employer, he has not, as required by the applicable legal standard, provided evidence tending to show that Defendant had *the right* to hire or fire him, supervise him, or set his work schedule or that Defendant actually paid his salary, withheld taxes, provided benefits, and set the terms of his employment. *Schweitzer v. Advanced Telemarketing Corp.*, 104 F.3d 761, 764 n.1 (5th Cir. 1997) (quoting *Deal v. State Farm Cty. Mut. Ins. Co. of Texas*, 5 F.3d 117, 188 (5th Cir. 1993)). Even if Ironworkers Local 263 was found to be his employer, Plaintiff has failed to carry his burden on summary judgment to prove racial discrimination, retaliation, or a hostile work environment.

Therefore, it is **ORDERED** that the Motion for Summary Judgment (ECF No. 32) is **GRANTED** and Plaintiff's claims against Defendant Ironworkers Local 263 are **DISMISSED WITH PREJUDICE**.

SO ORDERED on this **8th day of February, 2023**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE